

IN THE COURT OF COMMON PLEAS OF YORK COUNTY,
PENNSYLVANIA

SARA PICKETT	:	No. 2021-FC-001007-03
	:	
VS	:	
	:	
KRISTOFFER HEXTER &	:	
BRUCE HEXTER	:	

York, Pa., Thursday, June 2, 2022

Before the Honorable N. CHRISTOPHER MENGES, Judge

APPEARANCES:

JOSHUA A. SCOTT HARSHBERGER, Esquire
For the Defendant & Intervenor

TRANSCRIPT OF PROCEEDINGS

Reported by:

Emily Riccardi
Official Court Reporter

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PROCEEDINGS HELD ON THURSDAY, JUNE 2, 2022

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14:01:51 3 THE COURT: We're here to finish a
14:01:55 4 custody trial. I believe, Ms. Pickett, you're
14:01:58 5 representing yourself?

14:02:00 6 MS. PICKETT: That's correct.

14:02:00 7 THE COURT: Then I think it's your time
14:02:02 8 to put your case on. Are you ready to do that?

14:02:04 9 MS. PICKETT: Yes, Your Honor.

14:02:05 10 THE COURT: who do you want to call as
14:02:06 11 your first witness?

14:02:07 12 MS. PICKETT: I don't have any
14:02:08 13 witnesses. It's just myself.

14:02:10 14 THE COURT: All right. why don't you
14:02:11 15 stand and raise your right hand and the clerk can swear
14:02:14 16 you in?

* * *

17
18 SARA PICKETT,
19 called as a witness,
20 having been duly sworn according to law,
21 testified as follows:

* * *

22
23 DIRECT EXAMINATION

14:02:29 24 THE CLERK: Please state and spell your
14:02:31 25 first and last name.

14:02:31 1 THE WITNESS: Sara Pickett, S-A-R-A,
14:02:34 2 P-I-C-K-E-T-T.

14:02:37 3 THE COURT: And you are the mother of
14:02:39 4 these two children?

14:02:40 5 THE WITNESS: That's correct.

14:02:41 6 THE COURT: What would you like to tell
14:02:42 7 the Court?

14:02:43 8 THE WITNESS: Okay. I have some notes
14:02:46 9 if that's okay.

14:02:46 10 THE COURT: Just don't read from them,
14:02:48 11 and bear in mind, any notes you refer to, Attorney
14:02:52 12 Harshberger has the right to look at.

14:02:54 13 THE WITNESS: Okay.

14:02:55 14 THE COURT: Go ahead.

14:02:59 15 THE WITNESS: So the most important
14:03:01 16 point that I would like to clarify about this case is
14:03:02 17 that it was never a disagreement of whether or not --

14:03:08 18 THE COURT: Yeah. You're going to have
14:03:10 19 to slow down. Attorneys practice for years how to slow
14:03:14 20 down.

14:03:14 21 THE WITNESS: I apologize. Being in
14:03:16 22 court makes me a little anxious.

14:03:18 23 THE COURT: That's all right. Go ahead.

14:03:20 24 THE WITNESS: So the most important
14:03:23 25 point that I would like to clarify is that this was

1 never a disagreement of whether or not grandfather
2 should be allowed to see the children or not. It was
3 just a disagreement of having the written Court-Order,
4 because as a parent, I have the to make these decisions
5 in the best interest of my children regarding what the
6 situation looks like and he apparently expected some
7 control of that situation. And that's one of the most
8 concerning things to me in this case because he was
9 given an open invitation upon filing this to reach out
10 to me and make these arrangements to, you know, visit
11 with the kids, make phone calls, and such. And I feel
12 that if he was genuine in just wanting this normal
13 grandparent-relationship, he would have happily taken
14 me up on that invitation instead of -- sorry -- to make
15 these arrangements without unnecessary court
16 interference, without spending unnecessary time, money,
17 and stress to fight this unnecessary battle. Instead
18 for eight months, both father and grandfather made no
19 contact with the children all to turn around and claim
20 to the Court that I prevented contact so that the Court
21 would have to interfere.

22 A claim that appears often throughout
23 our case most recently the October 2020 contempt order
24 where it was ordered that Lebanon County Children &
25 Youth provide father with my with -- with what is

14:04:50 1 currently my most recent contact information.
14:04:55 2 Unfortunately, this is a high conflict case and
14:04:59 3 grandfather is not separate from that, made it obvious
14:05:01 4 from the fact that they share an attorney and goal for
14:05:03 5 the outcome of this case.

14:05:05 6 Grandfather has never previously had
14:05:08 7 this level of relationship with the children which
14:05:10 8 means that either father has never previously allowed
14:05:12 9 it, or grandfather has never previously showed an
14:05:15 10 interest of that sort. However, upon father's
14:05:17 11 incarceration, they are completely lined up what that
14:05:21 12 relationship should look like.

14:05:23 13 Grandfather is correct that he's been
14:05:24 14 blocked from my social media due to his own behavior of
14:05:27 15 sending me rude messages. Behavior that has resurfaced
14:05:31 16 since the entering of the temporary orders where he has
14:05:34 17 demanded control of what the situation looks like and
14:05:37 18 if I don't comply with his random calls or I attempt to
14:05:42 19 set boundaries, the interaction ends with some
14:05:46 20 variation of I'm telling on you.

14:05:49 21 THE COURT: So let me see if I can help
14:05:51 22 you here a little bit.

14:05:53 23 THE WITNESS: Sure.

14:05:54 24 THE COURT: I think what I'm hearing,
14:05:56 25 but tell me if I'm wrong, is the temporary order went

14:05:58 1 into effect a couple months ago, grandfather has had
14:06:01 2 some visits -- and you haven't told me how those visits
14:06:04 3 have gone -- but you believe that he has somehow
14:06:09 4 interfered with you -- somehow the communication's not
14:06:15 5 been good.

14:06:16 6 THE WITNESS: No, it really never has
14:06:18 7 been.

14:06:18 8 THE COURT: Okay.

14:06:18 9 THE WITNESS: Like I was saying, it's a
14:06:20 10 high conflict situation that involves grandfather as
14:06:25 11 well. That's not new.

14:06:26 12 THE COURT: Well, let's start with how
14:06:28 13 these children do on their visits. How do the visits
14:06:35 14 go?

14:06:36 15 THE WITNESS: Beforehand there's crying
14:06:38 16 and telling me -- I don't think I'm allowed to say
14:06:41 17 that. There's crying and not wanting to go with.

14:06:46 18 THE COURT: How are they when they get
14:06:48 19 back?

14:06:48 20 THE WITNESS: I think it's a little bit
14:06:50 21 uncomfortable because of the animosity between
14:06:55 22 grandfather and I. There's not much that's said at
14:06:57 23 those visits. At the first visit, grandfather was
14:07:01 24 handing them a bunch of toys that he had bought them
14:07:03 25 and told them in front of me that he doesn't believe

14:07:06 1 that mother will allow them to keep the toys because
14:07:10 2 she doesn't like me. And I since attempted to simply
14:07:15 3 have no communication at these exchanges but he kind of
14:07:18 4 insists on it.

14:07:20 5 THE COURT: what kind of communication
14:07:22 6 are you and he having at the exchanges?

14:07:25 7 THE WITNESS: I try to say nothing or
14:07:27 8 keep it, you know, as minimal as possible and walk away
14:07:30 9 as quickly as I can.

14:07:34 10 THE COURT: And what is he doing?

14:07:35 11 THE WITNESS: Like I said, at the first
14:07:37 12 one he had made those comments to the children in front
14:07:39 13 of me and I had attempted to walk away and he kept kind
14:07:45 14 of getting in my space to tell me when he was going to
14:07:48 15 make his next phone call and insisting that I was going
14:07:52 16 to listen to him at that point, which I did not feel
14:07:55 17 comfortable with.

14:08:08 18 THE COURT: well, he is allowed to have
14:08:10 19 phone or video three times a month, right?

14:08:14 20 THE WITNESS: That's correct. It says
14:08:15 21 as the parties agree, and we've arranged one phone
14:08:19 22 call, but have not been able to agree since. It's been
14:08:21 23 kind of, you know, he makes a demand, this is when I'm
14:08:23 24 going to call. I say something along the lines of, you
14:08:25 25 know, like this day or time might work better for me

14:08:28 1 then the response is, well, I'm working at that time.
14:08:31 2 Even though he told us he was retired and not working
14:08:34 3 in the last hearing.

14:08:35 4 THE COURT: Any particular reason these
14:08:37 5 communications couldn't be by text or email or
14:08:40 6 something a little less personal.

14:08:43 7 THE WITNESS: We do typically
14:08:44 8 communicate via text.

14:08:46 9 THE COURT: How do those go?

14:08:48 10 THE WITNESS: Not so well.

14:08:49 11 THE COURT: Why is that?

14:08:49 12 THE WITNESS: It's basically the same
14:08:51 13 thing. He'll tell me when he's going to call or, you
14:08:55 14 know, demand what the situation look like and if I'm
14:08:58 15 opposed to that at all or it simply doesn't work with
14:09:01 16 our schedules, you know, then he's telling me I'm going
14:09:04 17 to tell the Judge. I'm reporting you to my lawyer.
14:09:07 18 I'm going to file something against you. Like I said,
14:09:09 19 some kind of variation of I'm telling on you. I'm
14:09:13 20 doing my best to work this out. I'm not trying to
14:09:17 21 prevent communication, but at this point I'm working 45
14:09:20 22 hours a week as a sole provider for my children. We
14:09:22 23 have socialize, activities, and appointments outside of
14:09:24 24 that so we have things that we're working around that
14:09:27 25 are priorities.

14:09:30 1 THE COURT: All right. What else would
14:09:31 2 you like to tell me?

14:09:32 3 THE WITNESS: Okay. Well, since I
14:09:36 4 mentioned those comments that he made at the last
14:09:39 5 exchange, I don't feel it's okay to make these comments
14:09:41 6 that may agree at ill feelings, like, from the children
14:09:45 7 towards me or anything of that nature. And the
14:09:47 8 situation in general is just creating a lot of anxiety
14:09:50 9 and I don't feel like this situation is what our lives
14:09:54 10 should look like.

14:09:56 11 THE COURT: So if you were me, if you
14:09:58 12 were the judge, how would you make the communications
14:10:04 13 between the children and their Pop Pop happen?

14:10:07 14 THE WITNESS: I'm honestly not certain
14:10:12 15 at this point. I feel like my initial request was to
14:10:16 16 make it kind of scheduled so that, you know, father has
14:10:19 17 I'm going to call at this time and this day so we're
14:10:22 18 not coming into court because she's not getting my
14:10:24 19 phone calls when it's totally random and I'm not always
14:10:28 20 available. And I feel like that might be the best
14:10:31 21 route to go for grandfather as well because then he
14:10:33 22 doesn't have the opportunity to try to, you know, bully
14:10:36 23 me into doing what he wants.

14:10:39 24 THE COURT: Okay. Any other
14:10:41 25 suggestions?

14:10:42 1 THE WITNESS: I mean, honestly my stance
14:10:46 2 as a whole is we should have been able to make these
14:10:50 3 arrangements between ourselves.

14:10:52 4 THE COURT: But you obviously can't.
14:10:53 5 You've just testified to that. You can't communicate
14:10:57 6 well.

14:10:57 7 THE WITNESS: Right. And I've made
14:11:00 8 attempts but that communication takes two people, Your
14:11:03 9 Honor. And it's been a significant issue in our case
14:11:06 10 involving father as well. We've always have had to
14:11:08 11 have an attorney mediating communication, things of
14:11:10 12 that nature because it always ends up in threats,
14:11:14 13 intimidation, bullying, and things like that. And
14:11:17 14 unfortunately, that's what this situation has devolved
14:11:21 15 into as well. And the only thing I'm expecting is that
14:11:26 16 grandfather learns to communicate with me respectfully
14:11:30 17 in order to make these arrangements.

14:11:35 18 THE COURT: Any chance that you are
14:11:37 19 taking the intimidation, bullying, et cetera, that you
14:11:43 20 believe father has done -- but now he's in prison --
14:11:46 21 any chance you're taking that and sort of projecting
14:11:50 22 that onto father's father when maybe it isn't quite as
14:11:54 23 bad as you think it is?

14:11:56 24 THE WITNESS: No, Your Honor.
14:11:56 25 Unfortunately, like I said before, this isn't new.

1 When father was incarcerated the first time -- he did
2 four months for a probation violation for these
3 charges -- during that time, grandfather and I were
4 able to arrange phone calls and I believe there is one
5 visit during that time and it was okay. And then at
6 the end -- like, as father was getting out of jail, at
7 that time he started texting me messages about how I'm
8 a lazy mother and just rude things that are completely
9 unnecessary causing drama that just doesn't need to be
10 there. That's why he was ultimately blocked at that
11 time from my Facebook.

12 THE COURT: All right. Now, you said as
13 father was getting out of jail he started texting you
14 being a lazy mother and so forth; is that correct? Is
15 that he the father or the grandfather?

16 THE WITNESS: That was grandfather, Your
17 Honor.

18 THE COURT: Okay. So in prior
19 communications, the first time father was incarcerated,
20 grandfather would call you names like lazy?

21 THE WITNESS: Yeah. In the beginning we
22 were able to arrange him seeing and talking to the kids
23 and it wasn't an issue but I knew there were personal
24 feelings there but it didn't create any conflict at
25 that point. It was I would say early to mid September

14:13:19 1 right around the time of father's release when the tone
14:13:21 2 of everything just kind of changed.

14:13:25 3 THE COURT: What, if any, steps have you
14:13:28 4 taken to try to find a therapist for a [A.P.]?

14:13:35 5 THE WITNESS: This was actually in play
14:13:37 6 prior to the last hearing. We have a referral from
14:13:41 7 Hayshire Elementary where the children attend school.
14:13:44 8 It was for [R.H.] but it's for family therapy for the
14:13:47 9 three of us so we can all get the evaluations that we
14:13:50 10 need and do family therapy together as well as getting
14:13:52 11 the referrals for individual services so we can create
14:13:55 12 a long term plan.

14:13:57 13 THE COURT: And who's the referral to?
14:13:59 14 What agency or what practice?

14:14:01 15 THE WITNESS: Laurel Life I believe it's
14:14:03 16 called.

14:14:04 17 THE COURT: Okay. So has an intake
14:14:07 18 taken place?

14:14:08 19 THE WITNESS: Not yet. I'm waiting for
14:14:09 20 them. I will give them a call after we're done here to
14:14:23 21 check on that.

14:14:23 22 THE COURT: What else would you like to
14:14:24 23 tell me?

14:14:25 24 THE WITNESS: Okay. I just feel like
14:14:27 25 gaining some resemblance to normal life after these

14:14:30 1 years of continuous fears of control and abuse that
14:14:34 2 what would be therapeutic for my children and I and
14:14:38 3 that includes learning how to navigate healthy
14:14:41 4 consensual relationships on the kids terms, a skill
14:14:45 5 that's important as they get older. And I think my
14:14:48 6 stance has been pretty reasonable in the expectation as
14:14:51 7 the normal grandparent he would be the one putting
14:14:54 8 forth the effort to fit into the kids lives on their
14:14:58 9 terms as they are comfortable with.

14:15:00 10 I'm always willing to put aside my
14:15:01 11 personal feelings for my children and their best
14:15:02 12 interest. That's never been a problem for me, but it
14:15:05 13 also requires him, like I said, to treat me with a
14:15:07 14 level of respect in order to make these arrangements.
14:15:10 15 Like I said, he's had open communication to reach out
14:15:13 16 and attempt to make the same kind of situation that we
14:15:14 17 had in the beginning of father's first incarceration.
14:15:18 18 and I just don't feel like if he has such animosity
14:15:22 19 towards me that it could be a healthy situation to
14:15:25 20 force us into by Court Order.

14:15:28 21 THE COURT: So I think what I'm hearing,
14:15:30 22 but please tell me if I'm wrong, I think what I'm
14:15:34 23 hearing is the temporary order I issued on April 7,
14:15:40 24 2022, you would like to see improved so that the --
14:15:50 25 what is it? Three -- every week that the phone

14:15:55 1 contact -- yeah, three times a month that the phone
14:16:07 2 contact or video contact between Pop Pop and the
14:16:10 3 children three times a month would be set dates and
14:16:13 4 times and that you would like him to be more respectful
14:16:17 5 in his communications.

14:16:18 6 THE WITNESS: I mean, I suppose if
14:16:20 7 that's the only solution that we have because I feel
14:16:23 8 like it should be entirely on him to be respectful and
14:16:27 9 be able to reach out and make these arrangements on his
14:16:30 10 own.

14:16:30 11 THE COURT: Okay. Anything else you
14:16:32 12 want to tell me?

14:16:38 13 THE WITNESS: Sorry. I'm trying to see
14:16:40 14 the points that are relevant at this point. I guess I
14:16:52 15 feel like in this situation that the grandparents
14:16:55 16 rights are being used as kind of a means to keep us
14:16:58 17 under control for the man who has victimized us for
14:17:02 18 years. And I just don't feel like it's appropriate to
14:17:04 19 do that just because he's incarcerated and has family
14:17:08 20 that's willing to be kind of tagged into this
14:17:12 21 situation. My kids and I have been speaking openly
14:17:15 22 about our experiences, you know, the violence and the
14:17:17 23 fear since the beginning -- since 2018 when I filed
14:17:21 24 this custody case to begin with and we just desperately
14:17:25 25 looked for help. We said, you know, we're mocked.

14:17:27 1 we're threatened. We're ignored. While his behavior
14:17:30 2 is continuously enabled by the court system and it's
14:17:34 3 horrifying pattern for utter disregard for our rights
14:17:38 4 and our safety, and that stems just from the existence
14:17:42 5 of this custody case and the same control that's being
14:17:44 6 used over us now.

14:17:45 7 THE COURT: Okay. Anything else?

14:17:47 8 THE WITNESS: I don't think that forcing
14:17:59 9 these relationships on the children will suddenly make
14:18:03 10 them healthy or make the children see them as safe
14:18:08 11 people like you mentioned in the last hearing who they
14:18:10 12 would want to have at their weddings and amazing events
14:18:13 13 they have in their lives. Unfortunately, that's just
14:18:15 14 not how it works out all of the time. And my kids have
14:18:19 15 already expressed their feelings on the matter. I
14:18:21 16 understand that you would like to see that become the
14:18:23 17 reality in every one of these cases, but unfortunately,
14:18:26 18 it's just not safe in every situation. And this isn't,
14:18:30 19 you know, just some personal minor issues between
14:18:33 20 grandfather and I that need to be patched up to make
14:18:36 21 this work out. If this is granted, I will be forced to
14:18:39 22 continue fighting for safety of my children where this
14:18:42 23 is the time where we should be allowed to process our
14:18:44 24 experiences, to start our family therapy, and like,
14:18:46 25 without unnecessary interference, and create a long

14:18:50 1 term plan to heal and move on.

14:18:52 2 THE COURT: Okay. All right. Attorney
14:18:53 3 Harshberger, questions?

14:18:54 4 ATTORNEY HARSHBERGER: Thank you.

14:18:55 5 CROSS EXAMINATION

14:18:55 6 BY ATTORNEY HARSHBERGER:

14:18:56 7 Q. You mentioned -- Ms. Pickett, you mentioned
14:18:59 8 in 2018 you filed for custody, where did you file for
14:19:02 9 custody at?

14:19:03 10 A. Lebanon County.

14:19:05 11 Q. And in that county, Kris Hexter is named the
14:19:14 12 father of both children; is that correct?

14:19:16 13 A. There's some question with [A.P.].

14:19:19 14 Q. Through that custody order, he is named the
14:19:22 15 father of both children. Correct?

14:19:23 16 A. Correct.

14:19:24 17 Q. Okay. Now, since then, there's been multiple
14:19:27 18 and many different court actions between you and Kris
14:19:33 19 in Lebanon County, correct?

14:19:35 20 A. That's correct.

14:19:36 21 Q. When did you first get the referral for
14:19:42 22 Laurel Life?

14:19:43 23 A. I don't have a date. This would have been --
14:19:47 24 April 7th would have been our last court date, maybe
14:19:50 25 two weeks before then. It's actually [R.H.]'s behavior

14:19:55 1 that led to the referral.

14:19:57 2 Q. And so the school referred [R.H.] for family
14:20:05 3 based counseling?

14:20:05 4 A. The family based part of it was at my
14:20:08 5 request. He was referred for full psychological and
14:20:12 6 psychiatric evaluations.

14:20:13 7 Q. But you haven't taken any steps since then to
14:20:20 8 get in, correct?

14:20:22 9 A. No. I've been in contact with the school to
14:20:24 10 push through the referral and [R.H.] has been
14:20:26 11 talking -- well, until school ended, [R.H.] was talking
14:20:30 12 to the school counselor.

14:20:31 13 Q. But [A.P.] has not been in any kind of
14:20:34 14 counseling, correct?

14:20:35 15 A. Correct.

14:20:38 16 Q. And you have not sought a therapist
14:20:41 17 independently for a [A.P.], correct?

14:20:45 18 A. That will be done through family therapy.

14:20:47 19 THE COURT: Well, answer the question.
14:20:48 20 Have you done that directly?

14:20:53 21 THE WITNESS: Correct.

14:20:54 22 BY ATTORNEY HARSHBERGER:

14:20:54 23 Q. Correct as in no you have not gotten [A.P.] a
14:20:58 24 therapist?

14:20:59 25 A. Nope.

14:20:59 1 Q. And when did the school tell you to call
14:21:06 2 Laurel Life to set up intake? Two weeks before the
14:21:10 3 first custody hearing?

14:21:12 4 A. No. They told me that -- actually that would
14:21:15 5 be hearsay. I was -- they were entering the referral
14:21:19 6 and I was to wait for contact from them. Since it's
14:21:23 7 been so long, like I said, I'll make contact with them
14:21:26 8 after this hearing to check on the status with that. I
14:21:28 9 understand there there's some level of waitlist
14:21:30 10 involved.

14:21:30 11 Q. So you just testified that you have this
14:21:33 12 overriding concern for the mental stability of your
14:21:39 13 children and two weeks prior to April 7th you were
14:21:42 14 given a referral and you waited until after today's
14:21:45 15 hearing to call for the follow up of the intake for
14:21:51 16 Laurel Life; is that correct?

14:21:52 17 A. Correct. I'm expecting a call from Laurel
14:21:56 18 Life to set that up.

14:21:57 19 Q. And you testified that when Kris was
14:22:01 20 incarcerated for a probation violation, that you --
14:22:06 21 your communication with Bruce was good at first, right?

14:22:10 22 A. Correct.

14:22:10 23 Q. And then you blocked him on social media,
14:22:14 24 correct?

14:22:16 25 A. Correct.

14:22:16 1 Q. And you have not unblocked him since then?

14:22:18 2 A. Correct. I'm not obligated to.

14:22:21 3 Q. Right. And when did Kris go for his
14:22:26 4 probation violation?

14:22:27 5 A. If I remember correctly that would have been
14:22:29 6 May of 2020 through September of 2020.

14:22:32 7 Q. Okay. And so, since Kris was incarcerated
14:22:41 8 this most recent time, you have not reached out to
14:22:44 9 Bruce regarding contact with the grandchildren,
14:22:49 10 correct?

14:22:49 11 A. Correct. I feel like that's his
14:22:52 12 responsibility.

14:22:53 13 Q. The visits that occurred on April 9th and May
14:23:05 14 14th, grandfather came to pick up the children,
14:23:12 15 correct?

14:23:12 16 A. Correct.

14:23:13 17 Q. And he dropped the children off, correct?

14:23:16 18 A. Correct.

14:23:16 19 Q. And you viewed the car? It was safe and
14:23:21 20 appropriate, correct?

14:23:21 21 A. I'm sorry?

14:23:22 22 Q. You viewed the car? It was safe and
14:23:24 23 appropriate?

14:23:24 24 A. I didn't see the car seats, but as far as the
14:23:27 25 car goes, correct.

14:23:28 1 Q. And after the first visit, grandfather gave
14:23:31 2 the children some Christmas and birthday gifts,
14:23:35 3 correct?

14:23:36 4 A. I'm not sure what they were from but he gave
14:23:38 5 them some toys, yes.

14:23:40 6 Q. And the second visit, he bought the children
14:23:44 7 I think [R.H.] new shoes and [A.P.] a toy because she
14:23:54 8 didn't need shoes; is that correct?

14:23:56 9 A. Correct.

14:23:56 10 Q. Do you know -- did the children tell you what
14:23:59 11 they did during the time with Pop Pop?

14:24:02 12 A. No. They don't talk about it with me. They
14:24:05 13 don't have any interest.

14:24:07 14 Q. You mentioned you want to have this
14:24:09 15 standardized or concrete call time, did your counsel
14:24:15 16 communicate with me regarding setting up a time?

14:24:17 17 A. Yes.

14:24:18 18 Q. Okay. Now, were you made aware that there
14:24:23 19 was an agreement between counsel that Wednesday at 5:00
14:24:27 20 would be that time?

14:24:28 21 A. That is incorrect. My attorney did not
14:24:32 22 have -- did not have my permission to make an agreement
14:24:35 23 on my behalf.

14:24:36 24 Q. Okay. So grandfather was trying to call
14:24:39 25 Wednesdays at 5:00 and through communication with you

14:24:43 1 via text, you said Mondays at 4:00; is that correct?

14:24:46 2 A. Correct, at that time.

14:24:47 3 Q. Right. And so even on Mondays you failed to
14:24:52 4 answer the phone when Bruce called; is that correct?

14:24:57 5 A. Correct. But my schedule has changed with
14:25:00 6 work.

14:25:00 7 Q. Did you notify grandfather that your schedule
14:25:04 8 changed and the time would have to change?

14:25:06 9 A. I have made a couple of attempts to let him
14:25:09 10 know that the times that he was asking for did not work
14:25:12 11 for me because of my work schedule and he simply
14:25:15 12 demanded, like -- let me try to remember what he said.
14:25:19 13 He said these are times that are within the times that
14:25:21 14 I was given to call so this is when I'm calling.

14:25:24 15 Q. You told him Monday at 4:00, right?

14:25:27 16 A. Correct, for that week.

14:25:32 17 Q. And you still did not answer the phone,
14:25:35 18 correct?

14:25:35 19 A. That's not correct. The first Monday that we
14:25:37 20 had made arrangements for 4:00 p.m., we did
14:25:41 21 successfully have that communication with the children.
14:25:48 22 We have not been able to make an agreement as to when
14:25:51 23 those phone calls will happen since then.

14:25:53 24 Q. Let me ask you this now, what is your current
14:25:56 25 work schedule?

14:25:57 1 A. It varies which is why this is difficult and
14:26:00 2 I need him to be flexible. I work as a contractor.
14:26:04 3 I'm a business manner. My schedule can change
14:26:07 4 depending on what my contracts are.

14:26:10 5 Q. Where do you work?

14:26:11 6 THE COURT: But, ma'am, you testified in
14:26:13 7 response to my questions, you wanted a set date and
14:26:16 8 time.

14:26:17 9 THE WITNESS: Right. And if we can nail
14:26:18 10 that down and not have to deal with this outside of
14:26:21 11 court, I will make that work, but I'm not going to do
14:26:24 12 the back and forth and being bullied into, well, no,
14:26:27 13 this is when I want the call.

14:26:28 14 BY ATTORNEY HARSHBERGER:

14:26:29 15 Q. But we had this worked out where it was
14:26:30 16 Wednesday at 5:00 p.m., at one point in time, correct?
14:26:34 17 Although that was counsel's representation that you
14:26:37 18 agreed to that, but that was one day and time that was
14:26:40 19 agreed upon. Do you agree with that?

14:26:43 20 A. No. That was my problem from the beginning,
14:26:47 21 which is why --

14:26:49 22 Q. And then you agreed --

14:26:50 23 A. Sorry. Should I finish?

14:26:53 24 Q. Go ahead.

14:26:55 25 THE COURT: Go ahead and finish your

14:26:57 1 answer.

14:26:57 2 THE WITNESS: Now I lost my train of
14:27:00 3 thought. We had the conversation going between
14:27:02 4 attorneys and because that can kind of take time
14:27:04 5 because they are both busy with things outside of our
14:27:07 6 case. I reached out to grandfather to let him know
14:27:09 7 that this time is not going to work for me, Wednesdays
14:27:12 8 at 5:00, because now I'm working at this point and I'm
14:27:15 9 going to need him to be flexible and change that
14:27:17 10 around. We might have to arrange things week by week
14:27:20 11 but he needs to work with me. And that was when he
14:27:23 12 said, no, the time that you're proposing is when I'm at
14:27:26 13 work so I can't do that.

14:27:28 14 BY ATTORNEY HARSHBERGER:

14:27:31 15 Q. So what is your work schedule?

14:27:35 16 A. It's typically about 9:00 to 5:00. If I have
14:27:40 17 -- one of my main clients right now is an online
14:27:43 18 coaching company who often has live events and
14:27:46 19 sometimes those can go from 9:00 a.m. to 11:00 p.m.
14:27:49 20 because they are working on specific time so it just
14:27:54 21 kind of varies.

14:27:55 22 Q. So do you ever work past 5:00?

14:27:58 23 A. Yes.

14:27:59 24 Q. How often do you work past 5:00?

14:28:04 25 A. I would say probably two to three days a

14:28:09 1 week.

14:28:09 2 Q. What's the latest you work until?

14:28:12 3 A. Like I said, event dates can go until
14:28:14 4 11:00 p.m. my time and kids are well in bed by then.

14:28:17 5 Q. Who watches the children at this time -- you
14:28:19 6 live alone, correct? Single mother?

14:28:21 7 A. Correct. And I work from home which means
14:28:24 8 that the children can stay with me while I'm at work.

14:28:28 9 THE COURT: So, ma'am, let's cut to the
14:28:29 10 chase, if you want me to order three times a month,
14:28:32 11 date and time, what do you want them to be?

14:28:34 12 THE WITNESS: Honestly, I think that's
14:28:36 13 excessive given the prior relationship. However --

14:28:39 14 THE COURT: That's not the question.
14:28:40 15 what do you want them to be?

14:28:41 16 THE WITNESS: However, I think that if
14:28:44 17 we can do -- would it be possible to nail it down so
14:28:47 18 that father and grandfather would have their calls back
14:28:50 19 to back, so we only have to do this once? I'm just
14:28:53 20 asking to make this easier for everybody. Like, if we
14:28:55 21 did grandfather at 5:30 and father at 6:00 or something
14:28:59 22 of that nature.

14:29:00 23 THE COURT: My question was a simple
14:29:02 24 one. When do you want these three times with
14:29:04 25 grandfather to be? I'm not mixing grandfather and

14:29:07 1 father. They are separate in my mind. I know they are
14:29:10 2 not separate in your mind, but they are separate in my
14:29:13 3 mind. When do you want these three calls from Pop Pop
14:29:17 4 to be per month, date and type? What's your
14:29:19 5 preference?

14:29:21 6 THE WITNESS: I guess Mondays at 6:00.

14:29:31 7 THE COURT: Okay. All right. Go ahead,
14:29:33 8 Attorney Harshberger.

14:29:36 9 THE WITNESS: That doesn't conflict with
14:29:39 10 the work schedule that he doesn't have.

14:29:51 11 THE COURT: Do you have other questions,
14:29:53 12 Attorney Harshberger?

14:29:54 13 ATTORNEY HARSHBERGER: Just briefly.

14:29:55 14 THE COURT: I know I interrupted your
14:29:57 15 train of thought.

14:29:58 16 ATTORNEY HARSHBERGER: No. He asked
14:29:59 17 Monday at 6:00 and I wanted to make sure I jotted that
14:30:02 18 down too.

14:30:03 19 THE COURT: Okay.

14:30:11 20 BY ATTORNEY HARSHBERGER:

14:30:11 21 Q. Has there been any school -- have the
14:30:13 22 children received any report cards this year?

14:30:16 23 A. No. I have not received anything.

14:30:18 24 Q. Have the children received any school
14:30:21 25 pictures at all this year?

14:30:23 1 A. They did but I did not purchase any.

14:30:25 2 Q. Would you be opposed to the upcoming school
14:30:36 3 year let grandfather know of school pictures so he
14:30:41 4 could purchase said pictures?

14:30:44 5 A. I'm going to say no because I'm pretty sure I
14:30:48 6 don't have a choice.

14:30:50 7 Q. So have you gotten any -- you haven't got
14:30:55 8 grades yet for the children?

14:30:58 9 A. That's correct.

14:30:59 10 Q. Now, when are the children done in school?

14:31:02 11 A. They were finished on May 26th I want to say
14:31:06 12 was their last day.

14:31:08 13 Q. And so you have not received a final report
14:31:10 14 card for the children?

14:31:11 15 A. No, I have not received any report cards
14:31:14 16 during the school year at all. They said that they do
14:31:16 17 do grading of that nature but they haven't sent
14:31:21 18 anything home for me.

14:31:21 19 Q. Is there anything on the online system for
14:31:24 20 that school if they do have an online system?

14:31:27 21 A. They do. I'm honestly not sure if they would
14:31:30 22 have that up. I would assume that's where it would be
14:31:33 23 found if they have it posted for children that young.

14:31:36 24 Q. So you have no idea how well you're children
14:31:40 25 are doing in school?

14:31:44 1 A. I do. We have the student-teacher
14:31:46 2 conferences where the teachers keep me up-to-date how
14:31:51 3 they are doing in school.

14:31:53 4 Q. How often do you have parent-teacher
14:31:56 5 conferences?

14:31:56 6 A. They have one per semester. So that would be
14:32:00 7 the same occurrence that they would be receiving report
14:32:03 8 cards if they were older.

14:32:07 9 Q. The children were brought back to you at the
14:32:18 10 appropriate time and appropriately dressed and well
14:32:22 11 cared for, right?

14:32:23 12 A. Correct. They were brought home
14:32:26 13 approximately an hour early both times.

14:32:34 14 Q. Would you be agreeable to grandfather would
14:32:41 15 have a weekend with the children once a month?

14:32:44 16 A. I am not agreeable to that. I think that if
14:32:48 17 this is going to continue under Court Order, I don't
14:32:51 18 think it should be anymore substantial than what the
14:32:55 19 situation is now. However, if the children would
14:32:58 20 express to me later on that, hey, I would like to spend
14:33:02 21 a night with grandpa -- Pop Pop, sorry, or something of
14:33:05 22 that nature, I would consider that. Like I said, I'm
14:33:07 23 absolutely willing to put my personal feelings aside
14:33:11 24 for the best interest of the children.

14:33:13 25 Q. But if the children expressed that desire

14:33:15 1 with the grandfather, you would be okay with that
14:33:18 2 request?

14:33:19 3 A. No. I don't think that's sufficient to make
14:33:21 4 the request through grandfather and expect me to
14:33:24 5 believe that's what they had expressed. This has never
14:33:27 6 been expressed to me personally.

14:33:29 7 ATTORNEY HARSHBERGER: I have no further
14:33:30 8 questions.

14:33:31 9 THE COURT: Anything else you want to
14:33:32 10 tell me, ma'am?

14:33:33 11 THE WITNESS: I guess I would just like
14:33:36 12 to remind the Court that I don't drive and I don't have
14:33:39 13 my license or a car to support transportation nearly
14:33:43 14 two hours away if there was any consideration of
14:33:45 15 changing the transportation agreement. Other than
14:33:48 16 that, I think that's all that I have today, Your Honor.

14:33:51 17 THE COURT: Okay. And you had no other
14:33:53 18 witnesses?

14:33:53 19 MS. PICKETT: No.

14:33:54 20 THE COURT: Okay. Attorney Harshberger,
14:33:55 21 anything else you want to put on?

14:33:56 22 ATTORNEY HARSHBERGER: I would like to
14:33:57 23 recall Bruce Hexter regarding an update as far as the
14:34:01 24 two visits that he had.

14:34:03 25 THE COURT: Sure. Stand and raise your

14:34:04 1 right hand, please.

2 * * *

3 BRUCE HEXTER,

4 called as a witness,

5 having been duly sworn according to law,

6 testified as follows:

7 * * *

8 DIRECT EXAMINATION

14:34:21 9 THE CLERK: Please be seated. Please

14:34:23 10 state and spell your name for the Court.

14:34:26 11 THE WITNESS: Bruce Hexter, B-R-U-C-E,

14:34:29 12 H-E-X-T-E-R.

14:34:32 13 THE COURT: All right. Go ahead.

14:34:33 14 ATTORNEY HARSHBERGER: Thank you, Your

14:34:34 15 Honor.

14:34:34 16 BY ATTORNEY HARSHBERGER:

14:34:35 17 Q. Bruce, did you get a copy of the Order from
14:34:39 18 the April 7th hearing?

14:34:40 19 A. Yes, I did.

14:34:41 20 Q. And did you read that Order?

14:34:43 21 A. Yes, I did.

14:34:43 22 Q. And in that Order it said you were to have
14:34:47 23 custody visitation with the children on April 9th, did
14:34:49 24 you have that visit?

14:34:50 25 A. Yes, I did.

14:34:51 1 Q. And what did you do during that visit?

14:34:53 2 A. My first visit I took the kids to Strasburg
14:35:01 3 Rail Road. We spent the full day there basically. And
14:35:05 4 when they were done riding the train, they played in
14:35:09 5 the playground that was there. Got some great pictures
14:35:14 6 with them in the train and in the store playing with
14:35:19 7 the hats in the store for conductors and stuff like
14:35:24 8 that. And wound up taking them out for dinner that
14:35:28 9 night before I took them home.

14:35:31 10 Q. Where did you go to dinner?

14:35:33 11 A. Infinito's Pizza.

14:35:37 12 Q. What did the children eat? I guess that
14:35:40 13 answers that question.

14:35:41 14 A. It's an all you can eat pizza place.

14:35:43 15 Q. Do they like pepperoni or just cheese?

14:35:46 16 A. They had some of everything. They even had
14:35:49 17 the dessert pizzas.

14:35:55 18 Q. Would you have liked more time with the
14:35:58 19 children?

14:36:00 20 A. Definitely.

14:36:04 21 Q. Did the children express to you at that visit
14:36:07 22 they wanted more time with you?

14:36:08 23 A. They basically said, can we go home to your
14:36:12 24 house, Pop Pop?

14:36:12 25 Q. Have they been to your house before?

14:36:15 1 A. Oh, yes. They've been there plenty of times.
14:36:18 2 Kris would bring them down. I had them a couple times
14:36:21 3 for a full weekend like Thursday through Monday.

14:36:25 4 Q. And do you have bedding for them there?

14:36:28 5 A. Yes.

14:36:28 6 Q. They have bicycles at your house?

14:36:31 7 A. Yes, they definitely do and with helmets.

14:36:38 8 Q. And you took pictures of that event of that
14:36:41 9 day, right? On 4/9?

14:36:42 10 A. From 4/9, yes.

14:36:45 11 Q. Now, did you try to call and comply with the
14:36:50 12 Order of three phone calls per week? Did you try to
14:36:53 13 make those phone calls?

14:36:55 14 A. Yes, I did.

14:36:55 15 Q. Can you explain to the Court, you know, were
14:37:00 16 those phone calls successful?

14:37:01 17 A. I had one successful phone call during the
14:37:05 18 full month or from the time the court hearing until
14:37:10 19 even this past Monday I attempted to call.

14:37:14 20 Q. And you were calling either Mondays or
14:37:16 21 Wednesdays? But I think after today we're going to
14:37:18 22 work it out to Mondays at 6:00.

14:37:20 23 A. Correct. In fact, with the phone calls I
14:37:23 24 actually attempted to call once on a Saturday night and
14:37:27 25 I got a text message back from her, weekends are family

14:37:32 1 time. Do not call me then.

14:37:34 2 Q. Okay. But you did get a chance to talk to
14:37:40 3 them one time from April 7th until today's date?

14:37:43 4 A. Correct.

14:37:43 5 Q. Other than the two visits that you had?

14:37:45 6 A. That is correct, one time on the phone.

14:37:46 7 Q. Okay. Now, mother testified that the
14:37:52 8 children were crying before they left her care to go
14:37:56 9 with you. Did you see any signs of the children crying
14:38:01 10 when you saw them?

14:38:02 11 A. No. In fact, both times that I got the kids,
14:38:06 12 they ran up to me and gave me a great big hug. Hi, Pop
14:38:11 13 Pop. Hi. I said, well, you guys ready to go? Yeah.
14:38:15 14 And then I attempted to ask Sara -- the first time it
14:38:19 15 was Easter weekend -- is there any Easter egg hunts
14:38:24 16 around that I can take them to and she would not give
14:38:27 17 me any kind of answer. I'm not giving you anything was
14:38:30 18 her response.

14:38:31 19 Q. So the April 9th visit was you wanted to take
14:38:33 20 them on an Easter egg hunt and you asked her if there
14:38:37 21 was anything available?

14:38:38 22 A. Correct.

14:38:38 23 Q. But you ultimately decided to take them to
14:38:41 24 the train museum?

14:38:42 25 A. Because I couldn't find anything around.

14:38:44 1 Q. Okay. Did you give them any kind of gifts
14:38:49 2 after that meeting?

14:38:50 3 A. I got them a little train at the train store,
14:38:55 4 a little toy at the train store.

14:38:57 5 Q. What about old Christmas or old birthday
14:39:01 6 gifts?

14:39:01 7 A. I gave them birthday -- it was just prior to
14:39:05 8 [R.H.]'s birthday and I gave them both a Christmas
14:39:09 9 present and I said since I haven't seen you at
14:39:10 10 Christmas, here's a Christmas present for you. And
14:39:14 11 then here's your birthday present, [R.H.], hold off on
14:39:18 12 opening it up until Tuesday.

14:39:21 13 Q. Tuesday would have been his --

14:39:23 14 A. Tuesday would have been his birthday,
14:39:25 15 correct, after the visit.

14:39:26 16 Q. Okay. And then --

14:39:28 17 A. And they took the gifts and threw them in the
14:39:31 18 back of the car.

14:39:33 19 Q. And when you say they, who's they?

14:39:35 20 A. Sara and the friend that was with her driving
14:39:38 21 them away.

14:39:39 22 Q. They took the gifts and threw them in the
14:39:41 23 back of the car?

14:39:42 24 A. He took them off the kids and threw them in
14:39:45 25 the back of his car, the gentleman. I don't know his

14:39:47 1 name.

14:39:48 2 Q. And then you had another visit. When was
14:39:50 3 that?

14:39:50 4 A. I had it on May 14th.

14:39:54 5 Q. Okay. And what did you do that day?

14:39:56 6 A. I'm sorry. On the first visit I also took
14:39:59 7 them bowling too.

14:40:01 8 Q. Okay.

14:40:02 9 A. I forgot about that part.

14:40:03 10 Q. So bowling, train, and dinner?

14:40:06 11 A. Correct.

14:40:06 12 Q. And then the 14th of May you had a visit.
14:40:10 13 where did you go?

14:40:11 14 A. I took them to a playground and as they were
14:40:16 15 playing around I looked at [R.H.]'s shoes, saw they
14:40:19 16 were worn out. I said it looks like you need new
14:40:23 17 shoes. Let's go buy you some new shoes. He said okay.
14:40:27 18 I asked [A.P.] if she needed shoes and she said, no.
14:40:30 19 She was good with them. So we went to the store, went
14:40:33 20 to a mall, found a pair of shoes for him, bought them
14:40:39 21 for him. After that, we went to the movies. After the
14:40:44 22 movies, took them to dinner.

14:40:45 23 Q. What movie did you see?

14:40:48 24 A. The new minion -- or Sonic the Hedgehog.

14:40:54 25 Q. Okay. And did [A.P.] get anything? You said

14:41:02 1 [R.H.] got shoes.

14:41:04 2 A. Yes. She picked out a little toy. It was
14:41:07 3 toy purse with a toy telephone. She said, oh, I can
14:41:12 4 have my own telephone, which played music.

14:41:16 5 Q. All right. Where did you guys go to eat
14:41:20 6 then?

14:41:20 7 A. We went to the steakhouse.

14:41:22 8 Q. And did you take pictures of this outing?

14:41:25 9 A. I did take pictures of them sitting in the
14:41:29 10 movie theater next to me. And then afterwards I took
14:41:33 11 pictures of the placemats that they have at the
14:41:39 12 steakhouse that the kids colored on.

14:41:41 13 Q. I'm going to show you what's marked as
14:41:44 14 identification purposes -- I'm not sure what number
14:41:47 15 we're on, Your Honor -- Intervenor's Rebuttal One.

14:41:50 16 THE COURT: We'll call it Intervenor's
14:41:53 17 Number One. Go ahead.

14:41:57 18 ATTORNEY HARSHBERGER: I provided a copy
14:42:00 19 for the Court's --

14:42:01 20 THE WITNESS: You can see a picture of
14:42:02 21 them sitting in the chair at the movies.

14:42:06 22 BY ATTORNEY HARSHBERGER:

14:42:06 23 Q. Can you briefly weave through this and tell
14:42:08 24 me are these a true and accurate representation of the
14:42:12 25 photos that you took?

14:42:13 1 A. Yes. They definitely are photos that I took.

14:42:16 2 Q. And there's eight pictures in there?

14:42:18 3 A. I believe that's how many.

14:42:19 4 Q. Let's go through them quickly. Who's on the
14:42:22 5 first page?

14:42:22 6 A. First page is the two kids standing in their
14:42:26 7 development holding up the menus that they colored at
14:42:32 8 the steakhouse.

14:42:33 9 Q. A little artwork?

14:42:35 10 A. A little bit of artwork that they did.

14:42:38 11 Q. Next page.

14:42:39 12 A. Next page is [R.H.] leaning up against me in
14:42:43 13 the chair at the movie theater.

14:42:44 14 THE COURT: I can see what the pictures
14:42:46 15 are.

14:42:46 16 BY ATTORNEY HARSHBERGER:

14:42:46 17 Q. And it looks like they are happy and they
14:42:49 18 are --

14:42:51 19 A. Smiley.

14:42:52 20 Q. Smiley. Doesn't look like they are fearful
14:42:56 21 or scared of you in this situation?

14:42:57 22 A. No.

14:42:57 23 Q. Okay.

14:42:58 24 A. And --

14:43:00 25 Q. He's -- the Judge already said he can see the

14:43:05 1 pictures.

14:43:05 2 ATTORNEY HARSHBERGER: I move for the
14:43:06 3 admission of Intervenors Exhibit One.

14:43:09 4 THE COURT: Any objections?

14:43:10 5 THE WITNESS: No, Your Honor.

14:43:11 6 THE COURT: They may be admitted.

14:43:16 7 Anything else?

14:43:16 8 BY ATTORNEY HARSHBERGER:

14:43:16 9 Q. And on that day, did you again want more time
14:43:19 10 with the children?

14:43:20 11 A. I would have loved to have more time with
14:43:23 12 them.

14:43:23 13 Q. And what would you do if you had an overnight
14:43:26 14 with them or a weekend? what would that allow you to
14:43:31 15 do?

14:43:31 16 A. Probably wind up being able to take them to
14:43:34 17 an amusement park or something like that or maybe down
14:43:38 18 the shore for the day for a visit. Visit a friend of
14:43:44 19 mine that the kids both know. I took -- when I had
14:43:55 20 them prior times, we took them -- my friend and myself
14:44:00 21 took them to two different playgrounds near my house
14:44:04 22 and her house that the kids loved and they actually
14:44:08 23 asked me, hey, when can we go back to those
14:44:11 24 playgrounds?

14:44:12 25 Q. Did the children mention anything about Kris

14:44:19 1 while they were with you?

14:44:23 2 A. Mostly that they miss him.

14:44:26 3 Q. Did [R.H.] make anything for him, for Kris?

14:44:31 4 A. Yes. On the second visit at that playground
14:44:37 5 [R.H.] made a Father's Day card and a birthday card for
14:44:43 6 him, which I sent off to him.

14:44:46 7 Q. And did [A.P.] make anything for him?

14:44:50 8 A. She asked if she could do it too. Yeah.
14:44:54 9 Okay.

14:44:54 10 Q. Okay.

14:44:56 11 A. So she made one of each for him also,
14:44:59 12 birthday and Father's Day cards since they are both
14:45:03 13 right there together, a day apart.

14:45:06 14 Q. Has the -- Ms. Pickett's characterization of
14:45:13 15 your guys relationship communication, is that accurate
14:45:16 16 you guys are not communicating well?

14:45:20 17 A. I would say we're definitely not
14:45:22 18 communicating well.

14:45:24 19 Q. What in your opinion could help the
14:45:27 20 communication if anything?

14:45:29 21 A. When I call, she would talk to me prior to
14:45:35 22 even putting the kids on the phone. Or when I go there
14:45:38 23 to visit, she would at least be communicative instead
14:45:49 24 of telling me basically, you're a bad person.

14:45:52 25 Q. She said that to you?

14:45:53 1 A. Yes.

14:45:54 2 Q. Why would she have said that to you?

14:45:56 3 A. I have no idea.

14:45:58 4 Q. What did you do that were --

14:46:00 5 A. Oh, because I bought them a gift, bought them

14:46:04 6 the shoes.

14:46:05 7 Q. So knowing that you and her cannot

14:46:08 8 communicate well, would it be okay if there was an

14:46:11 9 order that spelled out the exact times for the phone

14:46:14 10 calls and the exact times for periods of your

14:46:17 11 visitation? would that be -- would that have to work?

14:46:21 12 A. If that's what it would have to come down to.

14:46:28 13 ATTORNEY HARSHBERGER: All right. No

14:46:28 14 further questions.

14:46:29 15 THE COURT: Questions of this witness,

14:46:31 16 Ms. Pickett?

14:46:33 17 MS. PICKETT: Yes. I would just like to

14:46:35 18 clarify --

14:46:36 19 THE COURT: No, you're not testifying.

14:46:37 20 Do you have questions?

14:46:38 21 MS. PICKETT: No. That was part of my

14:46:40 22 question.

14:46:41 23 THE COURT: Ask him a question.

14:46:42 24 CROSS EXAMINATION

14:46:42 25 BY MS. PICKETT:

14:46:43 1 Q. So in the temporary Order it was ordered that
14:46:45 2 [A.P.] is to have no contact with [R.H.]'s father, yet
14:46:49 3 you have testified -- well, I guess it's considered
14:46:53 4 testimony at this point that you had [A.P.] make cards
14:46:57 5 to send to [R.H.]'s father.

14:47:01 6 A. Yes. She asked if she could. I only asked
14:47:04 7 [R.H.].

14:47:07 8 MS. PICKETT: Okay. I have no further
14:47:08 9 questions, Your Honor.

14:47:09 10 THE WITNESS: And she asked me if she
14:47:11 11 could and I said okay.

14:47:13 12 THE COURT: Any other testimony,
14:47:15 13 Attorney Harshberger?

14:47:15 14 ATTORNEY HARSHBERGER: Not from Bruce
14:47:18 15 Hexter, just from Kris regarding his availability on
14:47:23 16 phone calls.

14:47:24 17 THE COURT: All right. Mr. Kristoffer
14:47:29 18 Hexter, please, stand and raise your right hand and the
14:47:34 19 clerk will swear you in.

20

* * *

21

KRISTOFFER HEXTER,

22

called as a witness,

23

having been duly sworn according to law,

24

testified as follows:

25

* * *

1

DIRECT EXAMINATION

14:47:48

2

THE CLERK: Please be seated. Please

14:47:51

3

state and spell your name for the record.

14:47:54

4

THE WITNESS: Kristoffer Hexter,

14:47:58

5

K-R-I-S-T-O-F-F-E-R, H-E-X-T-E-R.

14:48:02

6

THE COURT: All right. Attorney

14:48:04

7

Harshberger, you got literally five minutes tops.

14:48:07

8

ATTORNEY HARSHBERGER: Thank you, Judge.

14:48:07

9

BY ATTORNEY HARSHBERGER

14:48:08

10

Q. Kris, can you explain to the Court your

14:48:13

11

ability to make phone calls from the jail?

14:48:16

12

A. My ability to make phone calls is limited to

14:48:20

13

two separate block out times per day between 1:15 and

14:48:26

14

3:45 in the afternoon and 5:15 and 8:45 in the evening.

14:48:32

15

It's a first come first serve basis.

14:48:35

16

Q. And are you requesting that when the children

14:48:38

17

are with grandfather that you be able to make phone

14:48:42

18

calls to both children so that you can talk to the

14:48:48

19

children once a month?

14:48:49

20

A. Yes.

14:48:52

21

ATTORNEY HARSHBERGER: No further

14:48:54

22

questions.

14:48:54

23

THE COURT: Cross-examination of this

14:48:56

24

witness, Ms. Pickett?

14:48:58

25

MS. PICKETT: I have no questions, Your

14:49:00 1 Honor.

14:49:00 2 THE COURT: Anything else?

14:49:00 3 ATTORNEY HARSHBERGER: No, Your Honor.

14:49:00 4 THE COURT: Did you have any rebuttal
14:49:02 5 you wanted to testify to, ma'am?

14:49:04 6 MS. PICKETT: No, Your Honor.

14:49:05 7 THE COURT: Okay. All right. In this
14:49:12 8 matter the Court has taken testimony part of two days
14:49:17 9 over a two or three month period. It is the final
14:49:21 10 Order in this matter as follows: The temporary Order
14:49:25 11 of April 7, 2022, in this matter is confirmed in full
14:49:31 12 except with a couple of small changes. Those small
14:49:37 13 changes are as follows: Pop Pop, Bruce Hexter's
14:49:47 14 Saturday times will be the second and fourth Saturdays
14:49:51 15 of each month. An additional change is that the three
14:49:59 16 times per month for Pop Pop to have phone or video or
14:50:02 17 equivalent will be Monday at 6:00 p.m. on the first
14:50:09 18 Monday of each month, the third Monday of each month,
14:50:13 19 and the fifth Monday of each month if there is a fifth
14:50:18 20 Monday.

14:50:18 21 Mother, father, and Pop Pop,
14:50:22 22 grandfather, will have their communications through
14:50:25 23 OurFamilywizard. Grandfather, Bruce Hexter, will
14:50:30 24 within ten days of this order sign up and pay for the
14:50:34 25 annual fee for OurFamilywizard and provide the

14:50:38 1 information to father if he can do that through the
14:50:41 2 prison, if he can't, that's okay, and will provide the
14:50:44 3 log in information for mother who will promptly join
14:50:48 4 OurFamilyWizard. All communications relative to these
14:50:54 5 children will be through OurFamilyWizard.

14:50:59 6 Additionally, mother will give to both
14:51:01 7 father and Pop Pop the portal communication, and if
14:51:05 8 necessary, the password so that they may go to the
14:51:09 9 school portal to receive information, records, and so
14:51:12 10 forth from the childrens school. Father may exercise
14:51:22 11 his time of talking with [R.H.] only by calling [R.H.]
14:51:35 12 when [R.H.] is with Pop Pop. Father will continue to
14:51:39 13 have no contact with [A.P.]. Mother will cause an
14:51:48 14 intake to have taken place for a therapist for [A.P.]
14:51:53 15 and/or the family by August 1, 2022.

14:52:05 16 Finally, we schedule a follow up hearing
14:52:11 17 with a date and time to be set forth in just a moment
14:52:14 18 as soon as we look at our calendars. The purpose of
14:52:18 19 that follow up hearing will be to see how visits are
14:52:22 20 going, how telephone contact is going, and to confirm
14:52:25 21 that a initial intake with a therapist has taken place
14:52:30 22 as ordered in this Court Order today. If either father
14:52:36 23 or grandfather believe mother has not obeyed the Court
14:52:41 24 Order, either of their counsel may file a petition for
14:52:47 25 contempt, and if the petition is so filed that contempt

14:52:51 1 will be heard at that follow up hearing.

14:52:55 2 The Court wants to make it clear this is
14:52:59 3 a follow up hearing only to ensure things are going
14:53:01 4 well and that this order is a final order.

14:53:05 5 Nevertheless, the Court does want to make it very clear
14:53:10 6 to mother that if there is any more games playing by
14:53:17 7 mother on telephone contact or visits, the Court may at
14:53:23 8 the follow up hearing give either father and/or
14:53:28 9 grandfather expanded rights.

14:53:30 10 Go off the record.

11 * * *

12 (Whereupon, a discussion was held off
13 the record.)

14 * * *

15

16 THE COURT: We'll go back on the
17 record.

14:53:58 18 The aforesaid follow up hearing will be
14:54:01 19 on September 6, 2022, at 10:00 a.m. in Courtroom 6005.
14:54:08 20 Grandfather, his counsel, and mother will be in person.
14:54:14 21 Father may be by Zoom. Any other witnesses may be by
14:54:18 22 Zoom. If things are going well, a written stipulation
14:54:27 23 from all parties would do in lieu of actual appearance,
14:54:32 24 but if that does not happen, the follow up hearing will
14:54:36 25 take place at the date and time aforesaid and everyone

14:54:41 1 will be present as just indicated.

14:54:47 2 Copy to Attorney Harshberger. Copy to
14:54:50 3 mother, Sara Pickett at -- why don't you give me your
14:54:50 4 address, ma'am.

14:54:55 5 MS. PICKETT: It is 278 Coventry at
14:54:58 6 Waterford York, PA 17402.

14:55:03 7 THE COURT: Okay. Are there any
14:55:05 8 questions?

14:55:08 9 ATTORNEY HARSHBERGER: We're just
14:55:11 10 looking at the no contact with [A.P.], would the
14:55:19 11 therapist be agreeable that maybe the therapist could
14:55:24 12 write a letter regarding that contact --

14:55:24 13 THE COURT: That's exactly why I have a
14:55:26 14 follow up hearing scheduled. A letter would be fine.

14:55:29 15 ATTORNEY HARSHBERGER: Okay. Because I
14:55:30 16 don't want to have her bring her in or him in.

14:55:34 17 THE COURT: Understood. Any questions,
14:55:35 18 Ms. Pickett?

14:55:36 19 MS. PICKETT: I just wanted to clarify
14:55:38 20 that the points that you mentioned that we'll be
14:55:40 21 covering in the next hearing, that will be listed in
14:55:40 22 the order --

14:55:43 23 THE COURT: You'll get a copy of this
14:55:45 24 order.

14:55:45 25 MS. PICKETT: I just wanted to make sure

14:55:46 1 that's listed in the Order.

14:55:48 2 THE COURT: I understand it's tough to
14:55:50 3 write everything down in the Order. I had to do that
14:55:51 4 for 39 years as a lawyer and I would miss things so
14:55:54 5 that's why I try to put everything in Order. You'll
14:55:57 6 get a copy of the Order in a few days or so.

14:55:59 7 MS. PICKETT: I just want to make sure
14:56:01 8 that I am preparing based on the correct information of
14:56:03 9 what we're addressing in the next one.

14:56:04 10 THE COURT: And, ma'am, let me just say
14:56:06 11 to you that I understand your problems with the father.
14:56:10 12 He's in jail, you know, he's going to be there for a
14:56:14 13 while. I get all of that, but the father of these
14:56:18 14 children and Pop Pop are not the same people. Okay.
14:56:21 15 And you got to understand that. And if you don't do
14:56:27 16 more to try to encourage a good relationship between
14:56:31 17 these two children and their grandfather, I'll do it
14:56:34 18 and I'll just give him more and more and more time
14:56:38 19 until you get the message; is that clear?

14:56:42 20 MS. PICKETT: Sure.

14:56:43 21 THE COURT: Okay. Thank you. Everyone
14:56:45 22 is excused.

11:49:45 23 * * *

11:49:45 24 (Whereupon, the hearing was concluded.)

25 * * *

C E R T I F I C A T I O N

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the hearing of the above cause, and that this copy is a correct transcript of the same.

Emily Riccardi

EMILY M. RICCARDI
Official Court Reporter